

1 WILLIAM L. STERN (CA SBN 96105)  
2 WStern@mofo.com  
3 CLAUDIA M. VETESI (CA SBN 233485)  
4 CVetesi@mofo.com  
5 LUCIA X. ROIBAL (CA SBN 306721)  
6 LRoibal@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

7 Attorneys for Defendants  
8 UNILEVER UNITED STATES, INC.  
and PEPSI/LIPTON TEA PARTNERSHIP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

13 AMY MAXWELL, individually and on behalf  
of all others similarly situated,

Plaintiff.

### Defendants.

Case No. C12-01736-EJD

## **CLASS ACTION**

## **JOINT STATUS REPORT**

Judge: Hon. Edward J. Davila  
Action Filed: April 6, 2012

1           Amy Maxwell (“Plaintiff”) and defendants Unilever United States, Inc., the Pepsi/Lipton  
2 Tea Partnership, and PepsiCo, Inc.<sup>1</sup> (“Defendants”) submit this Joint Status Report in response to  
3 this Court’s Order of December 8, 2017 (Dkt. 122), staying the action with respect to Plaintiff’s  
4 claims against Lipton tea products manufactured and distributed by the Pepsi Lipton Tea  
5 Partnership pending completion of FDA proceedings regarding use of the term “natural” in food  
6 labeling. The Court’s December 8, 2017 Order requested an update on the relevant proceedings  
7 before the U.S. Food and Drug Administration (“FDA”).

8           Since the parties’ August 6, 2018 Joint Status Report (Dkt. 135), FDA has not yet  
9 formally issued any guidance on the use of “natural.” The parties have met and conferred and  
10 agree that it would be appropriate to continue the stay for an additional four (4) months, without  
11 prejudice to Defendants’ position that the case should be stayed until FDA has formally issued  
12 guidance on the use of “natural.” As per the Court’s December 8, 2017 Order, the parties will file  
13 a joint status report on April 6, 2018, unless FDA issues formal guidance before that date.

14

15

16

17

18

19

20

21

22

23

24

25

---

26           <sup>1</sup> This Court dismissed the claims against Defendant PepsiCo, Inc.’s carbonated soft drinks on  
27 March 29, 2018. (Dkt. 133.) On July 30, 2018, the Court denied Plaintiff’s motion for entry of  
28 final judgment on the Pepsi carbonated soft drink claims while confirming that dismissal of those  
claims had been made with prejudice. (Dkt. 142.)

1 Dated: December 6, 2018

BEN F. PIERCE GORE  
PRATT & ASSOCIATES

3 By: /s/ Ben F. Pierce Gore  
4 Ben F. Pierce Gore

5 Attorneys for Plaintiff  
6 AMY MAXWELL

7

8 Dated: December 6, 2018

9 WILLIAM L. STERN  
10 CLAUDIA M. VETESI  
11 LUCIA X. ROIBAL  
12 MORRISON & FOERSTER LLP

13 By: /s/ Claudia M. Vетеси  
14 Claudia M. Vетеси

15 Attorneys for Defendants  
16 UNILEVER UNITED STATES, INC.  
17 and PEPSI/LIPTON TEA  
18 PARTNERSHIP

19 Dated: December 6, 2018

20 DANIEL W. NELSON  
21 TIMOTHY W. LOOSE  
22 GIBSON, DUNN & CRUTCHER LLP

23 By: /s/ Timothy W. Loose  
24 Timothy W. Loose

25 Attorneys for Defendant  
26 PEPSICO, INC.

## **ECF ATTESTATION**

I, Claudia M. Vетesi, am the ECF User whose ID and password are being used to file the following: **JOINT STATUS REPORT**. In compliance with General Order 45, X.B., I hereby attest that Timothy Loose and Ben F. Pierce Gore have concurred in this filing.

Dated: December 6, 2018

WILLIAM L. STERN  
CLAUDIA M. VETESI  
MORRISON & FOERSTER LLP

By: /s/ Claudia M. Vетеси  
CLAUDIA M. VETESI